

House File 470

H-1469

Amend House File 470 as follows:

1. By striking everything after the enacting clause and inserting:

<Section 1. Section 22.7, subsection 24, Code 2011, is amended by striking the subsection.

Sec. 2. Section 123.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 014A. "Grape brandy" means brandy produced by the distillation of fermented grapes or grape juice.

Sec. 3. Section 123.41, Code 2011, is amended to read as follows:

**123.41 Manufacturer's license.**

1. Upon application in the prescribed form and accompanied by a fee of three hundred fifty dollars, the administrator may in accordance with this chapter grant and issue a license, valid for a one-year period after date of issuance, to a manufacturer which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state.

2. As a condition precedent to the approval and granting of a manufacturer's license, an applicant shall file a statement under oath with the division that the applicant is a bona fide manufacturer of alcoholic liquors, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

~~2- 3. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms alcohol and tobacco tax and trade bureau of the United States department of the treasury may produce alcohol for use as fuel without obtaining a manufacturer's license from the division.~~

4. A violation of the requirements of this section shall subject the licensee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 4. Section 123.43A, subsection 8, Code 2011, is amended to read as follows:

8. Micro-distilled spirits purchased at a micro-distillery shall not be consumed ~~within three hundred feet of a micro-distillery or~~ on any property owned, operated, or controlled by a micro-distillery.

Sec. 5. NEW SECTION. 123.46A Delivery of alcoholic

1 beverages by retailers.

2 1. Licensees and permittees authorized to sell  
3 alcoholic liquor, wine, or beer in original unopened  
4 containers for consumption off the licensed premises  
5 may deliver alcoholic liquor, wine, or beer to a home  
6 or other designated location in this state. Deliveries  
7 shall be limited to alcoholic beverages authorized by  
8 the licensee's or permittee's license or permit.

9 2. All deliveries of alcoholic liquor, wine, or  
10 beer shall be subject to the following requirements and  
11 restrictions:

12 a. Payment for the alcoholic liquor, wine, or beer  
13 shall be received on the licensed premises at the time  
14 of order.

15 b. Alcoholic liquor, wine, or beer delivered to a  
16 person shall be for personal use and not for resale.

17 c. Deliveries shall only be made to persons in this  
18 state who are twenty-one years of age or older.

19 d. Deliveries shall not be made to a person who is  
20 intoxicated or is simulating intoxication.

21 e. Deliveries shall occur between 6:00 a.m. and  
22 10:00 p.m. Monday through Saturday, and between 8:00  
23 a.m. and 10:00 p.m. Sunday.

24 f. Delivery of alcoholic liquor, wine, or beer  
25 shall be made by the licensee or permittee, or the  
26 licensee's or permittee's employee, and not by a third  
27 party.

28 g. Delivery personnel shall be twenty-one years of  
29 age or older.

30 h. Deliveries shall be made in a vehicle owned,  
31 leased, or under the control of the licensee or  
32 permittee.

33 i. Valid proof of the recipient's identity and age  
34 shall be obtained at the time of delivery, and the  
35 signature of a person twenty-one years of age or older  
36 shall be obtained as a condition of delivery.

37 j. Licensees and permittees shall maintain records  
38 of deliveries which include the quantity delivered, the  
39 recipient's name and address, and the signature of the  
40 recipient of the alcoholic liquor, wine, or beer. The  
41 records shall be maintained on the licensed premises  
42 for a period of three years.

43 3. A violation of this section or any other  
44 provision of this chapter shall subject the licensee or  
45 permittee to the penalty provisions of section 123.39.

46 4. Nothing in this section shall impact the direct  
47 shipment of wine as regulated by section 123.187.

48 Sec. 6. Section 123.50, Code 2011, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 5. If an employee of a licensee

1 or permittee violates section 123.49, subsection 2,  
2 paragraph "h", the licensee or permittee shall not  
3 be assessed a penalty under subsection 3, and the  
4 violation shall be deemed not to be a violation of  
5 section 123.49, subsection 2, paragraph "h", for the  
6 purpose of determining the number of violations for  
7 which a penalty may be assessed pursuant to subsection  
8 3, if the employee holds a valid certificate of  
9 completion of the alcohol compliance employee training  
10 program pursuant to section 123.50A at the time of  
11 the violation, and if the violation involves selling,  
12 giving, or otherwise supplying any alcoholic beverage,  
13 wine, or beer to a person between the ages of eighteen  
14 and twenty years of age. A violation involving a  
15 person under the age of eighteen years of age shall not  
16 qualify for the bar against assessment of a penalty  
17 pursuant to subsection 3, for a violation of subsection  
18 123.49, subsection 2, paragraph "h". A licensee or  
19 permittee may assert only once in a four-year period  
20 the bar under this subsection against assessment of a  
21 penalty pursuant to subsection 3, for a violation of  
22 subsection 123.49, subsection 2, paragraph "h", that  
23 takes place at the same place of business location.

24 **Sec. 7. NEW SECTION. 123.50A Alcohol compliance**  
25 **employee training program.**

26 1. If sufficient funding is appropriated, the  
27 division shall develop an alcohol compliance employee  
28 training program, not to exceed two hours in length  
29 for employees and prospective employees of licensees  
30 and permittees, to inform the employees about state  
31 and federal liquor laws and regulations regarding the  
32 sale of alcoholic liquor, wine, or beer to persons  
33 under legal age, and compliance with and the importance  
34 of laws regarding the sale of alcoholic liquor, wine,  
35 or beer to persons under legal age. In developing  
36 the alcohol compliance employee training program,  
37 the division may consult with stakeholders who have  
38 expertise in the laws and regulations regarding the  
39 sale of alcoholic liquor, wine, or beer to persons  
40 under legal age.

41 2. The alcohol compliance employee training program  
42 shall be made available to employees and prospective  
43 employees of licensees and permittees at no cost to the  
44 employee, the prospective employee, or the licensee or  
45 permittee, and in a manner which is as convenient and  
46 accessible to the extent practicable throughout the  
47 state so as to encourage attendance. Contingent upon  
48 the availability of specified funds for provision of  
49 the program, the division shall schedule the program  
50 on at least a monthly basis and the program shall be

1 available at a location in at least a majority of  
2 counties.

3 3. Upon completion of the alcohol compliance  
4 employee training program, an employee or prospective  
5 employee shall receive a certificate of completion,  
6 which shall be valid for a period of two years, unless  
7 the employee or prospective employee is convicted of a  
8 violation of section 123.49, subsection 2, paragraph  
9 "h", in which case the certificate shall be void.

10 4. The division shall also offer periodic  
11 continuing employee training and recertification for  
12 employees who have completed initial training and  
13 received an initial certificate of completion as part  
14 of the alcohol compliance employee training program.

15 Sec. 8. Section 123.56, subsections 1, 2, and 3,  
16 Code 2011, are amended to read as follows:

17 1. Subject to rules of the division, manufacturers  
18 of native wines from grapes, cherries, other fruits  
19 or other fruit juices, vegetables, vegetable juices,  
20 dandelions, clover, honey, or any combination of  
21 these ingredients, holding a class "A" wine permit as  
22 required by this chapter, may sell, keep, or offer for  
23 sale and deliver the wine. ~~Sales may be made at retail~~  
24 ~~for off-premises consumption when sold on the premises~~  
25 ~~of the manufacturer, or in a retail establishment~~  
26 ~~operated by the manufacturer. Sales may also be~~  
27 ~~made to class "A" or retail wine permittees or liquor~~  
28 ~~control licensees as authorized by the class "A" wine~~  
29 ~~permit. Notwithstanding any other provision of this~~  
30 ~~chapter, manufacturers of native wine may purchase and~~  
31 possess grape brandy from the division for the sole  
32 purpose of manufacturing wine.

33 2. Native wine may be sold at retail for  
34 off-premises consumption when sold on the premises of  
35 the manufacturer, or in a retail establishment operated  
36 by the manufacturer. Sales may also be made to  
37 class "A" or retail wine permittees or liquor control  
38 licensees as authorized by the class "A" wine permit.  
39 A manufacturer of native wines shall not sell the wines  
40 other than as permitted in this chapter and shall not  
41 allow wine sold to be consumed upon the premises of the  
42 manufacturer. However, prior to sale native wines may  
43 be sampled on the premises where made, when no charge  
44 is made for the sampling. A person may manufacture  
45 native wine for consumption on the manufacturer's  
46 premises, when the wine or any part of it is not  
47 manufactured for sale.

48 3. A manufacturer of native wines may ship wine in  
49 closed containers to individual purchasers inside and  
50 outside this state by obtaining a wine direct shipper

1 license pursuant to section 123.187. ~~The manufacturer~~  
2 ~~shall label the package containing the wine with the~~  
3 ~~words "deliver to adults only".~~  
4     Sec. 9. Section 123.57, Code 2011, is amended to  
5 read as follows:  
6     **123.57 Examination of accounts.**  
7     The financial condition and transactions of all  
8 offices, departments, warehouses, and depots of  
9 the division shall be examined at least once each  
10 year by the state auditor and at shorter periods if  
11 requested by the administrator, governor, commission,  
12 or executive council the general assembly's standing  
13 committees on government oversight.  
14     Sec. 10. REPEAL. Section 123.43, Code 2011, is  
15 repealed.>

---

IVERSON of Wright